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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/047, 252 03/24/98 MELLOTT

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EXAMINER

NGUYEN, A

ART UNIT	PAPER NUMBER
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2747

DATE MAILED:

12/22/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/047,252</b>	Applicant(s) <b>Mellott</b>
	Examiner <b>Ai Nguyen</b>	Group Art Unit <b>2747</b>

- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 1-21 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1 and 11-17 is/are rejected.
- Claim(s) 2-10 and 18-21 is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. (*substitute*)
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been
- received.
  - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: in the application

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**Serial Number: 09/047252**

**Art Unit: 2747**

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This application has been examined. Claims 1-21 are pending.
2. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2747.

#### ***Drawings***

3. The drawings submitted with this application were declared informal by the applicant which are acceptable for examination purpose only. Accordingly they have not been reviewed by a draftsperson at this time. When formal drawings are submitted, the draftsperson will perform a review. Formal drawings will be required when the application is allowed.
4. Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.
5. The drawings are objected to because Fig 1-4, a label for each element is required. For example, element 210 should be labeled as "ATTENUATOR" and so on

Correction is required.

***Claim Rejections - 35 USC § 112***

6. Claims 3,5-6, 11-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 11, 13,15 “ wherein it is included in circuitry ” can not be determined and cause the claim to be vague and indefinite.we don’t know what it is included in circuitry.

Regarding claim 3, the word “mean” is preceded by the word(s) “analog and/or digital” in an attempt to use a “means” clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding “means”it is impossible to determine the equivalents of the element, as required by 35 U.S.C 112, six paragraph. See ex parte Klump, 159 USPQ 694 (Bd. App. 1967)

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

8. Claim 1,17 are rejected under 35 U.S.C. § 102( e) as being anticipated by Yamashita (US No 5,615,256).

In regard to claim 1 Yamashita discloses a circuit for processing broadcast signals comprising: circuitry for receiving and processing broadcast signals, which signals contain audio information, and providing a first audio signal ( see col 4 lines 28-35), and circuitry for controlling the amplitude of a received second audio signal in response to a first control signal, and providing a third audio signal( see col 4 lines 36-49); wherein the circuit for controlling the amplitude further comprises circuitry that receives the first audio signal and provides the second audio signal for automatically limiting the amplitude of the first audio signal in response to at least one reference signal ( see col 4 lines 51-56).

In regard to claim 17, Yamashita discloses a method for processing broadcast signals that comprises the steps of:receiving and processing broadcast signals, which signals contain audio information, and providing a first audio signal (see col 4 lines 28-25); and controlling the amplitude of a received second audio signal in response to a first control signal and providing a third audio signal( see col 4 lines 36-49) and automatically limiting the amplitude of the first audio signal in response to at least one reference signal and providing a second audio signal ( see col 4 lines 51-56).

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita.

In regarding of claims 11-16 , even though the teaching of Yamashita does not specify that the audio signal received is a television signal,a satellite signal or a radio signal, as specifically recited in the claims. However it would have been obvious that the broadcast audio signal being received could have been one of above mentioned types of signals. Since it depends on what type of signal, the system of Yamashita is needed to enhance,e.g the users may need it to enhance a television signal,a satellite signal or a radio signal.

#### *Allowable Subject Matter*

11. Claims 2,4,7-10, 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3,5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C 112 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

12. Claims 1,17, 11-16 are rejected.
13. Claims 2-10, 18-21 are objected
14. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

**Rollins et al . (US No. 5,394,476)** disclose volume control circuit.

**Orban. (US No. 5,574,791)** discloses de-esser circuit and high frequency enhancer.

**Lynn. (US No. 5,070,527)** discloses an audio signal compression system.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or fax to:

(703) 308-9508, (for formal communications intended for entry )

or:

(703) 305-9508 ( for informal or draft communication, please label  
“PROPOSED” or “DRAFT” )

Hand-delivered responses should be brought to Crystal park II,  
2121 Crystal drive, Arlington. VA., sixth Floor ( receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ai Nguyen whose telephone number is (703) 308-4563.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ai Nguyen

  
VIVIAN CHANG  
PRIMARY EXAMINER